

REMARKS

Applicant acknowledges with appreciation the indication of allowability of claim 15, which has been amended to improve the claim language.

To expedite issuance, claim 7 has been amended to improve the claim language and include the limitations of claim 14, which has been canceled. Claim 7, as amended, is allowable for the reasons cited by the Examiner in allowing claim 15 – namely, that the steps of selecting the prostheses are opposite from the configuration shown in Berry (US 5,895,428). In particular, claim 7 recites selecting two prosthesis of different sizes (defined by "an extent in an anterior-posterior direction"), such that the smaller prosthesis has a slide surface with a greater radius of curvature than the larger prosthesis.

Since smaller prostheses are configured to be implanted in a more cranial direction due to their smaller size, and larger prostheses are configured to be implanted in a more caudal direction due to their larger size, claim 7 recites a configuration opposite of that disclosed in Berry, where the larger more caudal prostheses have slide surfaces with greater radii of curvature than the smaller more cranial prostheses. See Berry, FIG. 12.

In view of the above, early action issuing a Notice of Allowance for claims 7, 12, 13 and 15 is solicited.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 246472006000.

Dated: November 10, 2008

Respectfully submitted,

By: Bradley J. Meier
Bradley J. Meier
Registration No.: 44,236
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7735